REMARKS

Claims 1, 3-7, 9, 10, 14-33, and 35 were rejected in an Office Action dated May 7, 2007. Claims 1 and 33 have been amended. Support for the amendments may be found throughout the specification and particularly in the "Detailed Description of the Invention", and at page 5, lines 25-33. Applicants respectfully request reconsideration of the present application in view of the following remarks. Applicants believe that the following remarks place this application in condition for allowance.

Rejections under 35 U.S.C. §102

Claims 1, 5-7, 9, 10, 14, 17, 19, 20, 22-31, 33 and 35 are rejected under 35 U.S.C. §102(b) as being suggested to be anticipated by U.S. Patent 5,061,276, hereinafter "Tu et al.", as disclosed in Figures 2 and 8; column 3, lines 4-6 and 35-38; column 4, lines 53-55; column 5, lines 29-33, 46-48, and 55-63; column 7, 19-22; column 10, lines 34-38; column 11, lines 7-11; and column 12, lines 1-4 and 20-21.

Applicants respectfully traverse the rejection.

As provided in MPEP 2131 "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

At the onset it is respectfully pointed out that claim 1 has been amended in an effort to clarify the invention and facilitate prosecution of this application. Applicants claim an article comprising an essentially porous polytetrafluoroethylene tube provided with a covering of one or more layers of porous and essentially polytetrafluoroethylene film.

Tu et al. teach a polytetrafluoroethylene or a polytetrafluoroethylene-elastomer blend and a layer of an elastomer column 3, lines 8-11. It is suggested that Tu et al disclose a tube of polytetrafluoroethylene with a covering of polytetrafluoroethylene at column 5, lines 29-33. Upon review of

this disclosure however, Tu et al. actually disclose a graft tube of an elastomeric polymer fiber wrapped onto the outer surface of a composite substrate, which substrate may include polytetrafluoroethylene and a covering of polytetrafluoroethylene, column 5, lines 25-33. The elastomeric fiber is taught to retract the composite structure column 5, lines 38-40. This is not the invention that Applicants claim. Applicants' article is one of an essentially porous polytetrafluoroethylene tube provided with a covering of one or more layers of porous and essentially polytetrafluoroethylene film, thus, without an elastomer or elastomer layer as required by Tu et al. teachings.

Additionally, it is suggested that "Tu et al. disclose that the tube can be expanded such that the second circumference is at least 100% larger than the tube's original circumference prior to the application of internal pressure, column 10, lines 34-38." Applicants respectfully submit that this is a misinterpretation of the teaching of Tu et al, in that Tu et al. are only teaching a manufacturing step and not an attribute of the finished tube. Applicants' amendment is deemed to further moot this objection.

It is further suggested that "[b]ecause the same materials as claimed are disclosed by the prior art, the examiner asserts that the claimed physical properties are present in the prior art material to some extent even though they are not explicitly recited", see page 3, paragraph 1. Applicants believe that they have met the burden of demonstrating that the claimed properties are not present in Tu et al.

Further, there are differences in the materials claimed in the present invention and the invention taught by Tu et al. At the top of page 3 of the present Office Action, the Examiner states that "Tu does disclose (column 11, lines 7-11, column 12, lines 1-4) that the layer of PTFE film is wound onto the tube at an angle and shows (Figure 8) helical wrapping of the tube." In contrast, however, at column 11, lines 7-11, Tu et al. clearly teach wrapping an elastomeric polymeric fiber layer (see column 11, lines 1-2). The fiber is not a film, nor is it PTFE, and certainly not porous polytetrafluoroethylene as required by the instant claims. The elastomeric fiber composite tube of Tu et al. will have entirely different physical properties from the tube incorporating the relatively wide and thin (i.e., not round) and relatively inelastic porous

polytetrafluoroethylene film required in the present invention. Tu et al. never teach or suggest the use of porous polytetrafluoroethylene film in the construction of their tube.

Accordingly, Tu et al. do not anticipate the tube of the present invention, as all elements of the claims at issue are not taught or suggested as required under Section 102. Applicants respectfully request reconsideration and withdrawal of this rejection, and allowance of the rejected claims.

Rejections under 35 U.S.C. §103

Claims 18 and 32 are rejected under 35 U.S.C. §103(a) as being unpatentable over Tu et al. in view of Hughes et al. (4,728,328). Also, claims 3, 4, 15, 16, and 21 are rejected under 35 U.S.C. §103(a) as being unpatentable over patent Tu et al. in view of Lee (5,123,917).

Applicants respectfully traverse this rejection.

Neither Hughes nor Lee supply the requisite suggestion or motivation to modify or change the elastic properties of the outer covering of the Tu et al. patent. Thus, neither Hughes nor Lee can be deemed to render the present invention obvious in combination with Tu et al.

Applicants respectfully request reconsideration and withdrawal of this rejection, and allowance of these claims.

Conclusion

For the foregoing reasons, the present invention is neither taught nor suggested by any of the references of record. Accordingly, Applicants respectfully submit that these claims are now in form for allowance. If further questions remain, Applicants request that the Examiner telephone Applicants' undersigned representative before issuing a further Office Action.

Respectfully submitted,

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